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Paper No. 6

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San Francisco, CA 94105

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JUL 17 2002

In re Application of :
Jones :
Application No. 09/915,016 :
Filed: July 25, 2001 :
Attorney Docket No. PW 53403 272575 :

OFFICE OF PETITIONS

DECISION GRANTING
PETITION

This is a decision on the petition filed March 8, 2002, to accord the above-identified application a filing date of July 25, 2001.

On July 25, 2001, the application was filed.

On February 1, 2002, the Office of Initial Patent Examination mailed a Notice stating that drawings were not present and that a filing date had not been accorded and the filing date would be the date of receipt of drawings.

In response, the present petition was filed alleging that drawings were deposited on July 25, 2001. In support, petitioner has submitted a postcard receipt which acknowledges receipt of "#5 No. Sheets Drawings (Fig(s) 1 to 5)" on July 25, 2001.¹ Petitioner has also submitted a copy of the missing documentation- 5 sheets of drawings.

Upon review of the record, the drawings, deposited on July 25, 2001, have not been located. However, the evidence is convincing that the application papers deposited on July 25, 2001, included 5 sheets of drawings, and that the drawings were subsequently misplaced in the PTO. Therefore, the application is complete and entitled to a filing date of July 25, 2001.

In view of the above, the petition is granted. The copy of the 5 sheets of drawings submitted with the petition will be used for examination purposes.

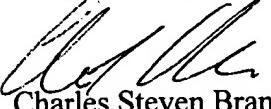
The petition fee of \$130 will be credited to the deposit account listed in the petition.

The Notice mailed February 1, 2002, was sent in error and is hereby vacated.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of July 25, 2001, using the application papers filed on July 25, 2001, and the copy of 5 sheets of drawings filed on March 8, 2002.

¹ Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self addressed post card properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the post card in the outgoing mail. "A post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." M.P.E.P. § 503.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.


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for Patent Examination Policy